

BILLY J. WILLIAMS, OSB #901366
United States Attorney
District of Oregon
AMY E. POTTER
amy.potter@usdoj.gov
Assistant United States Attorney
405 E. 8th Street, Suite 2400
Eugene, Oregon 97401-2708
Telephone: (541) 465-6771
Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

6:18-cv-02057-MA

Plaintiff,

v.

MOTION FOR WRIT OF ENTRY

**935 SW 7th Street, Newport, OR,
Lincoln County, State and District of
Oregon, Real Property with Buildings,
Appurtenances, and Improvements, *in
rem*,**

Defendant.

The United States has filed a Complaint *in rem* for Forfeiture of the defendant real property with buildings, appurtenances and improvements, commonly known as 935 SW 7th Street, Newport, OR, Lincoln County, State and District of Oregon.

Based upon the Complaint *in rem* for Forfeiture, the United States respectfully moves this Court for a finding of probable cause and a Writ of Entry for the defendant real property.

The United States does not request authority from the Court to seize the defendant real property at this time. The United States will, as provided by 18 U.S.C. § 985(b)(1) and (c)(1):

1. post notice of the Complaint on the defendant real property;
2. serve notice of this action on the owner of the defendant real property along with a copy of the Complaint;
3. execute a Writ of Entry for the purpose of conducting an inspection, inventory and testing for hazardous materials on the property; and
4. record a *lis pendens* notice in the county records of the defendant real property's status as a defendant in this civil *in rem* forfeiture action.

The United States will also, as provided in 19 U.S.C. § 1606, appraise the defendant real property.

Title 18, United States Code, Section 985(c)(3) provides that, because the United States will post notice of the Complaint on the defendant real property, it is not necessary for the Court to issue an arrest warrant *in rem*, or to take any other action to establish *in rem* jurisdiction over the defendant real property.

Therefore, the United States requests, under 18 U.S.C. § 985(b)(2), and under 18 U.S.C. § 983(j), which permits the Court to “take any other action to . . . preserve the availability of the property subject to civil forfeiture,” that the Court issue the proposed Writ of Entry filed herewith authorizing the Internal Revenue Service, to enter the defendant real property, including any structures, on one or more occasions during the pendency of this civil *in rem* forfeiture action for the purpose of conducting an inspection and inventory, appraisal and testing for hazardous materials which may include still and video photography, and to be accompanied on any such occasion by any government or contract personnel.

Respectfully submitted this 28th day of November 2018.

BILLY J. WILLIAMS
United States Attorney

s/ Amy E. Potter
AMY E. POTTER
Assistant United States Attorney